

August 20, 2007

Tyrone Frazier
Indiana State Prison
PO Box 41
Michigan City, Indiana 46361

Re: Formal Complaint 07-FC-218; Alleged Violation of the Access to Public Records Act by the Marion Superior Court #18

Dear Mr. Frazier:

This is in response to your formal complaint alleging the Marion Superior Court ("Court") violated the Access to Public Records Act ("APRA") (Ind. Code §5-14-3) by failing to respond to your request for records. I find that the Court violated the APRA by not responding to your request.

BACKGROUND

In your complaint you allege that you submitted a request on July 3 from the Court for copies of tapes or compact discs for several pre-trial conferences and hearings. You filed your complaint on July 20 alleging the Agency had not responded to your request.

The Agency did not respond to your complaint upon my invitation for response dated July 20.

ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." I.C. §5-14-3-1. Any person has the right to inspect and copy the public records of a public agency during regular business hours unless the public records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. I.C. §5-14-3-3(a).

The Court is clearly a public agency for the purposes of the APRA. I.C. §5-14-3-2. Accordingly, any person has the right to inspect and copy the public records of the Court during

regular business hours unless the public records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. I.C. §5-14-3-3(a).

A request for records may be oral or written. I.C. §5-14-3-3(a); §5-14-3-9(c). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven days of receipt, the request is deemed denied. I.C. §5-14-3-9(b). If a request is made in writing, the public agency may deny the request if the denial is made in writing and the denial includes a statement of the specific exemption(s) authorizing the withholding of all or part of the public record and the name and title of the person responsible for the denial. I.C. §5-14-3-9(c).

You submitted your request on July 3. Because we have not received a response from the Court, we do not know the date they received the request. But if the Court did receive the request, the Court had a duty to respond to the request within seven days of receipt.

CONCLUSION

For the foregoing reasons, I find that the Marion Superior Court #18 violated the APRA by not responding to your request for access to public records.

Best regards,



Heather Willis Neal
Public Access Counselor

cc: Jacqueline Woo, Marion Superior Court #18